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08/809,340 05/06/97 PADOVANI

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EXAMINER

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ART UNIT	PAPER NUMBER
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1722

17

DATE MAILED:

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>08/809,340</b>	Applicant(s) <b>PADOVANI</b>
	Examiner <b>James Mackey</b>	Group Art Unit <b>1722</b>

Responsive to communication(s) filed on Mar 3, 1999

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1 and 3-42 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1 and 3-42 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachments(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 3-30, 34, 36, 38, 39 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 9, "coveying" should be --conveying--.

In claim 5, line 6, and claim 6, lines 4-5, "extraction plate" lacks nexus in that the cooperative structural interrelationships between the apparatus elements is not clearly and positively set forth; how does the "extraction plate" relate to and cooperate with the "conveying template" of claim 1? In particular, claim 5 recites that the "extraction plate" includes "said receiving holes" which are located in the conveying template according to claim 1, and thus claim 5 is indefinite.

Further in claim 6, line 4, "for receiving a thermoformed articles" is grammatically incorrect; and line 6, --said-- should be added before "at least one work and/or treatment station" for clarity.

In claims 7-9, it is unclear whether the "templates" include (or are the same as) the conveying template of claim 1.

Further in claim 7, line 4, --said-- should be added before "at least one work and/or treatment station" for clarity; and line 5, "it" is indefinite as to exactly which structure is intended.

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Further in claim 9, line 2, "wherrein" is misspelled; and line 4, --said-- should be added before "at least one work and/or treatment station" for clarity.

In claim 11, line 3, "exerciting" is misspelled.

In claim 12, line 4, "receiving seat" is unclear and indefinite as to where the seat is located, and as to how this relates to the "receiving hole" of claim 1.

In claim 14, line 2, "each template" is indefinite since claim 1 only recites a single conveying template; lines 2-3, the bracketing is incorrect ((17)...(15)); and line 4, "a receiving hole" is unclear whether this is the same as the receiving hole of claim 1 (if so, --said-- should be used, and if not, different terminology should be used).

In claim 15, line 4, "receiving seat" is unclear and indefinite as to where the seat is located, and as to how this relates to the "receiving hole" of claim 1; line 5, "under section" should apparently be --upper section--, and "and undercut intermediate section" should apparently be --an undercut intermediate section--; and line 8, "said undercut" should be --said undercut section--.

In claim 16, the bracket beginning at line 5 (before "(15)") has no end bracket and the claim is thus unclear as to what is being deleted.

In claim 17, line 4, "a template" is unclear and indefinite as to whether this is the same as the "conveying template" of claim 1.

In claim 20, line 4, "compoenent" is misspelled.

In claim 21, line 3, --said-- should be added before "at least one orifice".

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In claim 22, line 4, "each receiving" is apparently incomplete (it should apparently read --each receiving hole--); and line 5, "said shoulder" is indefinite as to whether the "equatorial shoulder" recited in claim 1 or the "support shoulder" recited in claim 22 is intended.

In claim 23, lines 2 and 3, it is unclear as to how the "templates" relate to and cooperate with the "conveying template" of claim 1.

In claim 25, line 11, "the receiving conveying apparatus" should be --the receiving conveying template--.

In claim 26, line 2, "has two exterior surfaces are disposed" is grammatically incorrect.

Claim 28 should apparently depend from claim 27 to provide antecedence for "the two annular surfaces".

In claims 28, 34 and 39, "intersect each at plane" is unclear and apparently grammatically incorrect.

In claim 36, line 3, --said-- should be added before "cavity" for clarity.

In claim 38, line 1, "thehole" should be corrected.

In claim 42, lines 1-2, "said pick-up extraction means" should be --said extraction pick-up means-- to maintain the same terminology as claim 1; and line 2, "plate-like" is of indefinite scope, since the scope of the suffix "like" cannot be determined (see MPEP § 2173.05(d)).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 31-41 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by

International Application Publication WO94/15863 (Figures 11-15).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 4-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over UK

Patent Application GB 2,263,660 taken together with International Application Publication

WO94/15863 (Figures 11-15).

GB '660 teaches the thermoforming apparatus substantially as claimed, including extraction heads PA, 26, 27 for extracting thermoformed articles from the female die and transferring the articles to conveying templates on a conveyor (see especially Figures 14-23 and 32). GB '660 further teaches that the extraction head and the conveying template have receiving seats for the thermoformed articles, but does not teach that the receiving seat is defined by two annular surfaces defining an annular shoulder therebetween. WO94/15863 teaches a thermoforming apparatus including an extraction head having receiving seats defined by two annular surfaces defining an annular shoulder therebetween. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify GB '660 by providing the

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receiving seats of either the extraction head or the conveying template as the receiving seat having an annular shoulder as disclosed in WO94/15863, in order to more securely attach the thermoformed articles to the extraction head and/or the conveying template. It would have been further obvious to a skilled artisan to have provided the conveyors of GB '660 as conventional chain conveyors (note Figure 22), and obvious to have provided the receiving seats with either deformable collar or ratchets/arrests, as taught in WO94/15863 (see Figures 2-3 and 5-10), in order to more accurately locate and retain the thermoformed articles; note also the ratchets/arrests taught in GB '660 at Figures 24, 26 and 28.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB '660 taken together with WO94/15863, as applied to claims above, and further in view of Beyer-Olsen et al. (U.S. Patent 3,966,386).

GB '660 does not teach a carousel conveyor having a plurality of arms. Beyer-Olsen et al. teach an apparatus for removing molded articles from a molding device comprising a carousel conveyor having a plurality of arms, each arm being provided with a means for gripping the molded article and moving said article to another location. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify GB '660 by providing the conveyor as a carousel conveyor, as disclosed in Beyer-Olsen et al., in order to facilitate the conveying of the molded articles.

8. Applicant's arguments with respect to claims 1 and 3-42 have been considered but are moot in view of the new ground(s) of rejection.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Mackey whose telephone number is (703) 308-1195. The examiner can normally be reached on Monday-Friday from 8:30AM to 6:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (703) 305-4251. The fax phone number for this Group is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.

MACKEY/jpm  
May 24, 1999

*James Mackey*  
**JAMES MACKEY**  
**PRIMARY EXAMINER**  
**ART UNIT 1722**

*5/24/99*